

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUTHANN SMITH	:	CIVIL ACTION
	:	
v.	:	
	:	
JO ANNE B. BARNHART,	:	NO. 04-3294
Commissioner of Social Security	:	
Administration	:	

ORDER

AND NOW, this 22nd day of June, 2005, upon consideration of plaintiff's motion for summary judgment, and defendant's motion for summary judgment, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter and plaintiff's objections thereto and defendant's response, it is hereby

ORDERED

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's motion for summary judgment is DENIED;
3. Defendant's motion for summary judgment is GRANTED; and
4. Judgment is entered in favor of defendant and against plaintiff.

BY THE COURT:

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.